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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,144	01/20/2004	Gilbert Garza	112G	6996
7590	06/22/2005		EXAMINER	
Frank A. Spear 10264 Champions Court Ijamsville, MD 21754			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,144

Applicant(s)

GARZA ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 25-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on April 5, 2005.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the latch, as claimed in claims 25 and 41, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to because:

- According to the specification, the handle 12 is capable of pivot. However, none of the current figures show the handle capable of pivoting.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. **Claims 25-41 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites the limitation "An assist device for a door handle and latch", claim 36 recites "An assist device for a door handle" and claim 41 recites "An assist device for a door latch and handle". It is unclear if the applicant is trying to claim the assist device (the hollow bar) in combination with the door handle and door latch.

According to the claims, the fact that the assist device is for a door handle and latch is considered as intended use of the device. However, it is unclear if the applicant is just claiming the assist device or in combination with the handle and latch since in the body of the claims the applicant presents the interaction between the assist device (the bar) and the door handle and latch.

In order to continue with the examination, the claims will be considered as a door handle assist system comprising a door handle and an elongated hollow bar (combination). Appropriate correction and explanation is required.

Also, claims 25,36 and 41 recites the limitation "pivot piece secure to the handle". According to the current specification, element 50 is the "pivot piece". However, according to the drawings, it is unclear how element 50 can be called a "pivot" piece since is attached to the handle 12. Therefore, in order to continue with the examination, element 50 will be considered as "a piece secured to the handle". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 25-27,31-33,36, and 38-40 are rejected** under 35 U.S.C. 102(b) as being anticipated by 6,102,451 to Merryman.

Regarding claims 25 and 36, Merryman discloses a door handle assist system comprising an elongated hollow bar (14) having one end arranged to pivot about pivot means (17) and the other end arranged to receive a piece (28) of a door handle (29).

The engagement of the piece and the handle creates stops (shoulders of 29) capable of engage the bar.

As to claims 26 and 38, Merryman discloses that the pivot means secures the bar to a u-shaped bracket (Figure 4).

As to claims 27 and 39, Merryman illustrates that the bar near the pivot area rests entirely within the bracket.

As to claims 31 and 40, Merryman illustrates that the pivot means passes through the top part of the bar and through the top part of the u-shaped bracket (Figure 4).

As to claim 32, Merryman illustrates that the bar (14) has a substantially constant cross-sectional area throughout its entire length.

As to claim 33, Merryman discloses that the assist device parts appear to be very tightly and sturdily arranged; yet the bar pivots as desired.

8. **Claims 25,32,33, and 36 are rejected** under 35 U.S.C. 102(b) as being anticipated by 3,025,095 to Christensen.

Regarding claims 25 and 36, Christensen discloses a door handle assist system comprising an elongated hollow bar (16) having one end arranged to pivot about pivot means (18) and the other end arranged to receive a piece (19) of a door handle (22).

The engagement of the piece and the handle creates stops (the surfaces of 22 attached to 19) capable of engage the bar.

As to claim 32, Merryman illustrates that the bar (14) has a substantially constant cross-sectional area throughout its entire length.

As to claim 33, Merryman discloses that the assist device parts appear to be very tightly and sturdily arranged; yet the bar pivots as desired.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 28 and 37 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,102,451 to Merryman as applied to claims 25 and 36 above, and further in view of US Pat No 4,629,228 to Marko et al (Marko).

Merryman fails to disclose that the pivot means consists of a long inside threaded hollow bolt, which passes through the bracket and the bar, and a short outside threaded bolt, which is screwed into the long bolt. Merryman discloses the use of a pin or clip (17).

Marko teaches that it is well known in the art to have pivot means that consist of a long inside threaded hollow bolt (38) and a short outside threaded bolt (46), which is screwed into the long bolt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pivot that consist of a threadedly engaged long and short bolts, as taught by Marko, into a device as described by Merryman, in order to have a stronger materially embodiment and to have a embodiment that has no sharp projecting parts that could harm a person.

11. Claims 30, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,102,451 to Merryman as applied to claim 25 above, and further in view of US Pat No 2,871,050 to Dickinson.

As to claim 30, Merryman fails to disclose that the bracket is sturdily secured to a door or a door support with at least two screws. Merryman discloses the use of one screw to sturdily secure the bracket.

Dickinson teaches that it is well known in the art to have a bracket (44) secured by more than one screw (Figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the bracket of the door assist system of Merryman with more than one screw, as taught by Dickinson, in order to secure the bracket to the surface.

As to claim 34, Merryman fails to disclose that the bar has a square cross sectional shape. Merryman discloses that the main body of the bar has a circular cross sectional shape and at the ends it has a substantially oval cross sectional shape with two flat sides so to accommodate the pivot piece inside the bar.

Dickinson teaches that it is known in the art to have a bar with a square cross sectional shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a bar with a square cross sectional shape, as taught by Dickinson, into a device as described by Merryman, so as to help in the engagement of the bar and the pivot piece.

As to claim 35 Merryman illustrates that the pivot piece is flat and substantially rectangular to form a relatively tight fit inside the bar.

12. **Claim 34 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,025,095 to Christensen as applied to claim 25 above, and further in view of US Pat No 2,871,050 to Dickinson.

Christensen fails to disclose that the bar has a square cross sectional shape. Christensen discloses that the main body of the bar has a circular cross sectional shape and at the ends it has a substantially oval cross sectional shape with two flat sides so to accommodate the pivot piece inside the bar.

Dickinson teaches that it is known in the art to have a bar with a square cross sectional shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a bar with a square cross sectional shape, as taught by Dickinson, into a device as described by Christensen, so as to help in the engagement of the bar and the pivot piece.

Allowable Subject Matter

13. **Claim 41 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. **Claim 29 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. A new non-final rejection has been made in order to correct some informality in the application.

As stated above, it is unclear what the applicant is seeking as his invention. The preamble of the claims recites "an assist device for a door handle and latch". At the instant, the door handle and latch are the intended use of the assist device. The assist device is just the elongated hollow bar intended to assist the door handle. However, when the applicant positively recites the interaction between the handle and the assist device, it makes the claims unclear of what is the invention claimed. Therefore, a rejection under 112 second paragraph has been made in order to allow the applicant to provide an appropriate correction and explanation of what is the invention.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3676

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

June 16, 2005.

A handwritten signature in black ink, appearing to read "Brian E. Glessner", followed by a long horizontal line.

BRIAN E. GLESSNER
PRIMARY EXAMINER